

Application No. 10/014,277
Response to Office Action mailed September 22, 2004

REMARKS

The present submission is in response to the Office action mailed September 22, 2004 in which the Examiner rejected claims 1-10, 16-18 and 20 and 22-25 as being anticipated by USP 5,049,011 to Bohnet, and claim 21 as being unpatentable over Bohnet. The Examiner also indicated that claims 11, 13-15 and 19 were deemed allowable, if amended to be written in independent form to include the limitations of their respective base claims and any intervening claims.

Claims 1-25 are being resubmitted for the Examiner's consideration in view of the comments presented below.

A Declaration under 37 CFR 1.132 of co-inventor Yaron Eisen is being concurrently submitted.

Rejection of Claims 1-10, 16-18, 20 and 22-25 under 35 USC 102(b)

The rejection of these claims is traversed. These claims were all rejected as being anticipated by U.S. Patent No. 5,049,011 to Bohnet et al. The sum total of the Examiner's rejection of all of these claims is as follows:

Bohnert et al. discloses all of the subject matter as set forth in the claims and is identical to the invention as broadly recited. Some of the claimed elements clearly disclosed by the reference are: a front insert retaining portion with two retaining pockets for receiving two identical cutting inserts.¹

It is first submitted that the Examiner has utterly failed to demonstrate how each and every element of the pending claims is met by this reference.

Original Claim 1

It is next submitted that claim 1 is not at all anticipated by the Bohnet reference.

¹ September 22, 2004 office action, p. 2

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First, claim 1 calls for a "blade"; a blade can be seen in Figs. 1-6 of the present application. In contrast, the cutting tool in Bohnet is generally referred to in the metal cutting tool industry as a "drill" and no-one skilled in the art would consider Bohnet's tool to be a 'blade' (see Declaration of Yaron Eisen, concurrently submitted herewith). As is known to those skilled in the art, blades, by definition, are broad and flat, having a breadth considerably greater than a thickness thereof. Bohnet simply does not disclose a blade, as one skilled in the art of metal cutting tools would normally use that term. If the Examiner were to maintain the rejection of claim 1, the Examiner is kindly asked to provide evidence that the tool of Bohnet is generally referred to as a "blade" in the metal cutting tool industry.

Second, claim 1 recites, in part, "the two insert receiving pockets being separated by a rearwardly extending recess, in a side view of the blade". In the present application, the 'rearwardly extending recess' is indicated, in the embodiment seen in the figures, by reference numeral 46. Bohnet does not disclose such a recess. In fact, Bohnet's Fig. 1 clearly shows that the insert receiving pockets are separated by a continuous portion of solid matter at the end surface 8 of the bore shank 1; Bohnet's "fragmentary schematic side view" of Fig. 4 also shows this continuous solid portion and the *absence* of any sort of 'rearwardly extending recess' separating the insert receiving pockets. If the Examiner were to maintain the rejection of claim 1, the Examiner is kindly asked to explain exactly what feature of Bohnet the Examiner considers to satisfy the above-cited claim 1 language.

Original Claim 4

Original claim 4 recites, inter alia, that (1) "at least one cutting edge (extends) on the side surface substantially between the top and bottom surfaces" and (2) "the through bore extends between the top and bottom surfaces." As seen in the figures of the present application, the cutting edges 67 are *between* the top and bottom surfaces. In contrast, Bohnet's cutting edges 19, 22 and chip breakers 30 are formed *on* the top surface. If the Examiner were to maintain the rejection of claim 4, the Examiner is kindly asked to explain exactly how Bohnet simultaneously satisfies the combination of the two above-recited features of claim 4, in view of its figures.

Original Claim 7

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Original claim 7 recites, inter alia, that "in a front view of the cutting tool the two cutting edges overlap between planes passing through inner extremities of the cutting edges and parallel to side faces of the insert retaining portion. It is submitted that Bohnet does not disclose this feature, either. As seen Bohnet's Figs. 2 & 3, the cutting edges do not overlap at all. In fact Bohnet says this:

The two cutter elements 10a, 10b have the effective chopped corner cutting edges 22 in a plane which extends diametrically across the shank 1 and through the center of rotation 31 thereof. The projection of this plane is seen in FIGS. 2 and 3 at 34. The two cutter chips 10a, 10b, looked at from the end of the shank 1, are located on respectively opposite sides of this theoretical plane 34, with respect to the center axis 31 of the shank 1. The two cutter elements 10a, 10b have the effective chopped corner cutting edges 22 in a plane which extends diametrically across the shank 1 and through the center of rotation 31 thereof. The projection of this plane is seen in FIGS. 2 and 3 at 34. The two cutter chips 10a, 10b, looked at from the end of the shank 1, are located on respectively opposite sides of this theoretical plane 34, with respect to the center axis 31 of the shank 1.²

Since Bohnet itself states that its cutting inserts are on opposite sides of the plane 34, their cutting edges simply cannot overlap. If the Examiner were to maintain the rejection of claim 7, the Examiner is kindly asked to explain exactly how Bohnet meets the limitations recited therein, in view of Bohnet's above-quoted language.

Rejection of Claim 22 under 35 USC 102(b)

The Examiner did not specifically explain the rejection of claim 22, and so it is difficult to specifically refute the Examiner's reasoning. The Examiner's rejection is nevertheless traversed.

Original Claim 22 recites, inter alia: (1) an annular disc having an axis of rotation; (2) a plurality of cutting tools clamped on said annular disc; (3) each cutting tool (having the structure recited in claim 1).

Bohnert simply does not disclose this combination. Therefore, claim 22 and dependent claims 23-25 are believed to be patentable over this reference. If the Examiner were to maintain

² Bohnet at col. 5, lines 8-21

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the rejection of this claim, the Examiner is kindly ask to explain exactly how each and every limitation in independent claim 22 and in its dependent claims, is present in Bohnet.

With respect to all claims not specifically mentioned, these are believed to be patentable not only by virtue of their dependency on their respective base claims and any intervening claims, but also for the totality of features recited therein.

No fee is believed to be due for the present submission. Should a fee be required, the Director is authorized to charge Womble Carlyle's Deposit Account No. 09-0528 for any such fee.

Respectfully Submitted,

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